

THIRD DAY.

Senate Chamber,
Austin, Texas, May 7, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Floyd.
Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.

Absent—Excused.

Parr.	Woods.
Strickland.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

Excused.

Senators Witt and Buchanan of Scurry were excused for last Monday and Tuesday on account of important business on motion of Senator Bailey.

Senator Strickland for this week on motion of Senator Dudley.

Petitions and Memorials.

See Appendix.

Standing Committee Reports.

See Appendix.

Bills and Resolutions.

By Senators Bailey, Dayton and Hall:

S. B. No. 3, A bill to be entitled "An Act declaring that in all elections to be held during the year A.

D. 1919 wherein the qualified voters of Texas are to vote upon the adoption or rejection of certain constitutional amendments or changes submitted by the regular session of the Thirty-Sixth Legislature that all soldiers, marines and seamen employed in the service of the army or navy of the United States who were engaged as such on the 31st day of January, A. D. 1919, and who have since said date been discharged or who shall hereafter, from such service and employment prior to the first day of December, 1919, shall be entitled to have the right to vote and participate in any and all such elections without having paid any poll tax required by law to have paid for the year A. D. 1919; providing that all such elections so held during the year A. D. 1919 in the State of Texas the vote so cast at the said election shall not be opened, counted or tabulated and certified as are now required by the Constitution and laws of this State; and declaring that all persons not subject to any of the disqualifications now provided by law except soldiers, sailors and marines engaged in the service of the United States shall be permitted to participate and vote in all such elections hereinabove provided for only on the date provided in the resolution submitting same and providing that all such soldiers, marines or seamen now or heretofore employed in the service of the United States who have been or will be discharged from the service of the United States, as such shall have the right to vote and participate in any election at any time after their final discharge from the army or navy of the United States before the first day of December, 1919, by delivering to the clerk of the County Court of the County in which he resides his ballot and providing for safeguards to protect the purity of the ballot and the ballot box and the manner and method by which said soldiers, sailors and marines may participate in said election and cast their ballot; providing punishment for violation thereof; repealing all laws in conflict herewith and declaring an emergency.

Read first time and referred to Committee on Privileges and Elections.

Simple Resolution No. 5.

Whereas, The duties of the Secre-

tary and Journal Clerk of the Senate entail considerable correspondence; therefore, be it

Resolved, That the Sergeant-at-Arms be, and is hereby, instructed to furnish to said officers of the Senate postage stamps necessary for their correspondence in an amount not to exceed five dollars each.

DOROUGH.

The resolution was read and adopted.

Morning call concluded.

House Bill No. 1.

The Chair laid before the Senate on second reading:

H. B. No. 1, A bill to be entitled "An Act making appropriations to pay the per diem and mileage of members and per diem of officers and employes of the First Called Session of the Thirty-Sixth Legislature of the State of Texas, to pay all unpaid warrants held by members, officers and employes of the Regular Session of the Thirty-Sixth Legislature convened on the 5th day of May, 1919, by a proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 1 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Carlock.	McNealus.
Cousins.	Page.
Dayton.	Rector.
Dean.	Smith.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.

Absent.

Caldwell. Clark.

Absent—Excused.

Parr. Woods.
Strickland.

The bill was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed by the following vote:

Yeas—26.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Carlock.	McNealus.
Cousins.	Page.
Dayton.	Rector.
Dean.	Smith.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.

Absent.

Caldwell. Clark.

Absent—Excused.

Parr. Woods.
Strickland.

House Bill No. 2.

The Chair laid before the Senate on second reading:

H. B. No. 2, A bill to be entitled "An Act making appropriations in the sum of sixteen thousand (\$16,000) dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-sixth Legislature of the State of Texas, convened May 5, 1919, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 2 put

on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Floyd.
Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Cousins.	Page.
Dayton.	Rector.
Dean.	Smith.
Dorough.	Sulter.
Dudley.	Westbrook.
Faust.	Witt.

Absent.

Clark.	Williford.
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Absent—Excused.

Parr.	Woods.
Strickland.	

The bill was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed by the following vote:

Yeas—27.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Sulter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	

Absent.

Clark.

Absent—Excused.

Parr.	Woods.
Strickland.	

Message From the Governor.

Governor's Office,
Austin, Texas, May 6, 1919.

To the Senate of the Thirty-Sixth Legislature in First Called Session:

I ask the advice, consent and confirmation of the Senate in the following appointments:

To be Pilot Commissioners for the mouth of the Brazos River: J. T. Dingle, Charlie Skinner, Lon Shannon, Frank Jones and Ford Brown, all of Velasco, Texas.

Respectfully submitted,
W. P. HOBBY, Governor.

The foregoing was read and referred to the committee on nominations by the Governor.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, May 7, 1919.
Lieutenant Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted House Concurrent Resolution No. 4.

Resolved, by the House of Representatives, the Senate concurring that Newton D. Baker, Secretary of War of the United States, be immediately notified by the Chief Clerk of the House of Representatives of Texas that it is the desire of the people of Texas that all the Texas soldiers in Europe be immediately returned to the United States and discharged as quickly as possible, and if an immediate return of said Texas soldiers cannot be had that they be at once retired from road work and other non-military labors in France.

Resolved Further, that a copy of this resolution be sent to each of the Texas Senators and Congressmen in Washington, with request that they do the necessary to get the relief herein demanded at once.

MOON,
POPE,
LAWRENCE,
BROWN of Wilson.

And has adopted Senate Concurrent Resolution No. 2.

Be it resolved by the Senate of the State of Texas, the House concurring that Hon. J. H. Milam, Judge of the Fiftieth Judicial District of Texas, be and he is hereby granted permission to be absent from the State of Texas at such interval and for such time as he sees fit and desires, while his court is not in session, during the months of May, June, July and August, A. D. 1919.

Respectfully submitted.

T. B. REESE,
Chief Clerk, House of Representatives.

Resolution Read and Referred.

The Chair (Lieutenant Governor Johnson) had referred, after its caption had been read, the following House resolution:

H. C. R. No. 4 referred to the Committee on Military Affairs.

President Pro. Tem Alderdice in the chair.

Resolutions Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate after their captions had been read, the following:

H. C. R. No. 3, relating to the reinstatement of returned soldiers to places of former employment.

H. C. R. No. 2, granting Hon. J. H. Milam leave of absence from the State.

Senate Bill No. 2.

The Chair laid before the Senate on second reading:

S. B. No. 2, A bill to be entitled "An Act to amend Section 16 of the Act which was passed at the regular Session of the Thirty-sixth Legislature, and approved the fifth day of April, A. D. 1919, which was Senate Bill No. 147, and known as the Board of Control Act, so as to provide that said Act shall become effective January 1st, 1920, and not prior to that time; and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended.

The committee report that the bill be not printed was adopted.

Senator Caldwell offered the following amendment:

Amend Senate Bill No. 2 by striking out January 1st, 1920, wherever they appear in caption and bill and insert in lieu thereof January 20, 1921.

Senator Hopkins offered the following substitute for the pending amendment.

Amend Senate Bill No. 2 by striking out 1921 where it appears in the bill and insert in lieu thereof 1949.

On motion of Senator Westbrook the substitute was tabled by the following vote:

Yeas, 21.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Carlock.	Page.
Cousins.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Faust.	Witt.
Floyd.	

Nays, 5.

Caldwell.	Rector.
Dudley.	Williford.
Hopkins.	

Absent.

Clark.	Dayton.
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Absent—Excused.

Parr.	Woods.
Strickland.	

Action recurred upon the pending amendment, and Senator Page moved to table same, and moved the previous question, which being duly seconded was so ordered.

The amendment was then tabled.

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 2 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Gibson.
Bailey.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	

Absent.

Bell.	
	Absent—Excused.

Parr.	Woods.
Strickland.	

The bill was laid before the Senate,

read third time and, on motion of Senator Westbrook, was passed by the following vote:

Yeas—28.

Alderdice.	Floyd.
Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.

Absent—Excused.

Parr.	Woods.
Strickland.	

Simple Resolution No. 6.

Resolved, That the Senate invite the Hon. J. W. Bailey to address the Senate during this Special Session and the Secretary of the Senate be instructed to communicate this invitation by telegram at once.

CALDWELL,
DAYTON,
HALL,
MCNEALUS.

Senator Westbrook offered the following amendment which was read and adopted:

Amend Simple Resolution No. 6 by adding the name of the Hon. Morris Sheppard to the resolution.

WESTBROOK.

Senator Cousins moved to refer the resolution to the Committee on Rules.

Senator Clark moved to table the motion to refer and this motion prevailed by the following vote:

Yeas—18.

Alderdice.	Floyd.
Bell.	Gibson.
Caldwell.	Hall.
Carlock.	Hertzberg.
Clark.	Johnston.
Dayton.	McNealus.
Dorough.	Page.
Dudley.	Rector.
Faust.	Westbrook.

Nays—9.

Bailey.	Hopkins.
Buchanan of Bell.	Smith.
Buchanan of Scurry.	Suiter.
Cousins.	Williford.
Dean.	

Absent.

Witt.

Absent—Excused.

Parr.	Woods.
Strickland.	

The resolution as amended was then adopted.

Adjournment.

At 11:15 o'clock a. m. Senator Clark moved to recess until 3 o'clock today.

As a substitute Senator Page moved that the Senate adjourn until 10 o'clock tomorrow.

The substitute prevailed.

APPENDIX

Senator Hall offered a communication from T. J. Miller of Wharton county favoring a postponement of the election on the proposed constitutional amendments, in order that soldiers who are to return from France this summer may have an opportunity to vote.

Senator Johnston presented a similar letter from C. B. Bleike, a returned soldier of Houston.

Engrossing Committee Report.

Committee Room,
Austin, Texas, May 7, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your committee on engrossed bills have had Senate Bill No. 1, carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 6, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1, a bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem of officers and employes of the Thirty-sixth Legislature of the State of Texas, to pay all unpaid warrants held by members, officers and employes of the Regular Session of the Thirty-sixth Legislature, convened on the 5th of May, 1919, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 6, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 2. A bill to be entitled "An Act making appropriation of the sum of \$16,000.00, or so much thereof as may be necessary to pay the contingent expenses of the First Called Session of the Thirty-Sixth Legislature of the State of Texas, convened May 5th, 1919, by proclamation of the Governor, providing how accounts may be approved and declaring an emergency."

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass, and be not printed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 6, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 2, A bill to be entitled "An Act to amend Section 16 of the Act which passed at the regular Session of the Thirty-Sixth Legislature, and approved the 5th day of April A. D. 1919, which was Senate Bill No. 147, and known as the Board of Control Act, so as to provide that said Act shall become effective Jan. 1, 1920, and not prior to that time; and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recom-

mendation that it do pass, and be not printed.

WESTBROOK, Chairman.

FOURTH DAY.

Senate Chamber,
Austin, Texas, May 8, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Floyd.
Bailey.	Gibson.
Bell.	Hall.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Clark.	Page.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.

Absent—Excused.

Parr.
Strickland.

Woods.

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

Petitions and Memorials.

See Appendix.

Standing Committee Reports.

See Appendix.

Special Committee Report.

Austin, Texas, May 7, 1919.
To Hon. W. A. Johnson, President of the Senate, and Hon. R. E. Thomason, Speaker of the House.
Gentlemen: We, your Joint Committee of the Senate and House, appointed during the closing days of the Regular Session to investigate the State Orphans' Home at Corsicana, respectfully report that we have made